



UNITED STATES PATENT AND TRADEMARK OFFICE

MW

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,721	11/20/2001	Ken Hattori	216267US3CONT	9122

22850 7590 12/24/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MATHEWS, ALAN A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,721

Applicant(s)

HATTORI ET AL.

Examiner

Alan A. Mathews

Art Unit

2851

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 23-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2/02, 3/02, 4/02 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II in Applicant's Response to the Restriction Requirement filed August 15, 2003 is acknowledged. The traversal is on the ground(s) that the claims would appear to be part of an overlapping search area. This is not found persuasive because the Examiner would need to search the exposure apparatus in class 355/53 for the claims of Group I and the Examiner would need to search the container art in class 220 for the holder containers in Group III. And the Examiner would need to search 355/30 for the invention of Group IV.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-14 and 23-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Applicant's Response to the Restriction Requirement filed August 15, 2003.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2851

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the European Patent Document EP 0 818 806 A2 (cited in Applicant's PTO-1449) in view of the Japanese Patent Document 11-102952 (cited in Applicant's PTO-1449) or the patent to Garrie et al. (U. S. Patent No. 5,382,127, cited in Applicant's PTO-1449). The European Patent Document EP 0 818 806 A2 discloses in figure 5 a container 440 (carrier) for substrates 250 (objects) and having a lid (door) 446. Column 8, lines 34-37, of the European Patent Document EP 0 818 806 A2, discloses side door opening systems (open-close mechanisms). Robotics 431 in figure 5 is the transport system. The last line of the Abstract and column 5, lines 32-35, and column 8, line 33, disclose clean rooms and cleanliness. Thus, the European Patent Document EP 0 818 806 A2 discloses the invention except for the container having holders for the substrate. The Japanese Patent Document 11-102952 in figure 4 and lines 1 and 2 of the abstract the use of substrate holders 18 holding substrate 7. Figure 8 discloses opening and closing a lid to a container 1. The patent to Garrie et al. discloses in figure 7 the use of holders 130 for wafers 138. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the container 440 in the European Patent Document EP 0 818 806 A2 with holders which hold wafers in view of either the Japanese Patent Document 11-102952 or Garrie et al. for the purpose of easier handling of the wafers and for the purpose protecting the wafers better (resulting in less damage to the wafers), thus producing a better final product. With

Art Unit: 2851

respect to claim 19, element 450 in figure 5 of the European Patent Document EP 0 818 806 A2 is the container transport system.

5. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese Patent Document 10-74815 (cited in Applicant's PTO-1449) in view of the Japanese Patent Document 11-102952 (cited in Applicant's PTO-1449) or the patent to Garrie et al. (U. S. Patent No. 5,382,127, cited in Applicant's PTO-1449). The Japanese Patent Document 10-74815 discloses on lines 2 and 6 of the Abstract use of a clean room. Element 17 is the container (cassette pod) with wafers 5. Figure 3 discloses a transport unit 10. Figures 1 and 2 disclose a mechanism for opening and closing the lid 19. Thus, the Japanese Patent Document 10-74815 discloses the invention except for disclosing that the container contains holders for wafers.. The Japanese Patent Document 11-102952 in figure 4 and lines 1 and 2 of the abstract the use of substrate holders 18 holding substrate 7. Figure 8 discloses opening and closing a lid to a container 1. The patent to Garrie et al. discloses in figure 7 the use of holders 130 for wafers 138. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the container 17 in the Japanese Patent Document 10-74815 with holders which hold wafers in view of either the Japanese Patent Document 11-102952 or Garrie et al. for the purpose of easier handling of the wafers and for the purpose of causing less damage to the wafers, thus producing a better final product.

Allowable Subject Matter

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents on Applicant's PTO 1449 are cited for the same reasons Applicant cited them in his INFORMATION DISCLOSURE STATEMENT. The patents to Tabrizi et al., Mages et al., and Hofmeiste. are cited to show wafer transport devices and clean environments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (703) 308-1706. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

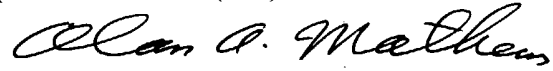
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/988,721

Page 6

Art Unit: 2851

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, reading "Alan A. Mathews". The signature is written in a cursive style with a large, stylized "A" and "M".

Alan A. Mathews
Primary Examiner
Art Unit 2851

AM
